

May 1, 2025

Honorable Michael E. Farbiarz, United States District Judge
Martin Luther King Building & U.S. Courthouse
50 Walnut Street, Newark, New Jersey 07101

Re: Khalil v. Trump, et al., No. 2:25-cv-1963 (MEF) (MAH)

Dear Judge Farbiarz,

We write in response to this Court’s April 29 Order directing that, should the petitioner “seek to file an amended Petition, on any topic or basis,” he should file a letter explaining why the Court should accept the proposed amended petition.¹ ECF 217. The amended petition proposes two categories of changes to conform them to certain facts established after the filing of the First Amended Petition.²

First, Mr. Khalil proposes amendments to the petition’s venue allegations to reflect the transfer of this case from the Southern District of New York to the District of New Jersey and the addition of Yolanda Pittman as a defendant. Third Am. Pet. at 18. These allegations conform the petition to facts confirmed during the litigation of jurisdictional and transfer issues. *See* ECF 153.

Second, Mr. Khalil proposes amendments relating to the government’s addition on March 17, 2025, of a new charge of removability against Mr. Khalil in his immigration case. Third Am. Pet. 88-89. This post-hoc charge is relevant to Mr. Khalil’s existing claims against the government’s unlawful policy of targeting for removal and detention those noncitizens who engage in protected expressive activity in support of Palestinian rights or critical of Israel. ECF 162 at 89, 95, 96. The amended petition clarifies that the government has applied this policy to Mr. Khalil through the new immigration charge in addition to the Rubio Determination. In addition, the proposed amendments allege that the new charge is retaliatory in violation of the First Amendment.

Mr. Khalil respectfully submits that no further briefing relating to these amendments is necessary at this time. The amended facts related to venue have been developed, confirmed, and considered before this Court, ECF 153, and the District Court for the Southern District of New York, ECF 78. The amended facts related to the new charge as a continuation of the government’s retaliatory conduct in furtherance of the challenged Policy were addressed by the parties’ briefing on Mr. Khalil’s preliminary injunction motion.³ ECF 124, 18 n.20; *see also* ECF 175, 16 n.11; ECF 156, 28-32 (arguing the government has not violated the First Amendment because, *inter alia*, the new charge provides a “facially valid reason” to initiate removal proceedings). This Court therefore may and should find that the Policy, including as applied to Mr. Khalil, is unlawful.

¹ Mr. Khalil has, pursuant to the Court’s order, filed the proposed Third Amended Petition and Complaint as well as a redline document comparing the proposed Petition to the current operative Petition.

² Mr. Khalil filed a Second Amended Petition to add Yolanda Pittman as a Defendant pursuant to the Court’s order, ECF 153, 56 n.32, granting him leave to amend for that limited purpose.

³ As noted in the Court’s recent Opinion, ECF 214, 7 n.7, Mr. Khalil does not move for preliminary relief on an independent claim directly challenging the new charge separate and apart from his challenges to the Policy, though he now seeks to add such a claim to his amended petition.

Respectfully submitted,

/s/ Jeanne LoCicero

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